

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT A. RICHMOND, SR.,
Plaintiff

v. CIVIL ACTION NO. 99-192 ERIE

JAMES S. PRICE, et al.,
Defendants

JURY TRIAL - DAY NO. 3

Proceedings held before the HONORABLE
SEAN J. McLAUGHLIN, U.S. District Judge,
in Courtroom C, U.S. Courthouse, Erie,
Pennsylvania, on Wednesday, March 15, 2006.

APPEARANCES:

ROBERT A. RICHMOND, SR., Plaintiff herein,
appearing Pro Se.

CRAIG E. MARAVICH, Esquire, Deputy Attorney

Ronald J. Bench, RMR - Official Court Reporter

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1 PROCEEDINGS

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3 (Whereupon, the Jury Trial proceedings began at
4 9:05 a.m., on Wednesday, March 15, 2006, in Courtroom C.)

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6 THE COURT: Good morning, members of the jury, this
7 will take two seconds. I need to give you a couple of things,
8 I forgot to do it yesterday. When you go out to the jury room
9 to begin deliberating, you're going to receive a document
10 called interrogatories to the jury. It's a verdict form. This
11 will just tell you when you have reached a verdict in this
12 case, whatever it may be, it is important that on the back of
13 the verdict form you'll see there's -- you can't see it from

14 there but take my word for it, there's a signature line for the
15 foreperson and all the other jurors. This form should be
16 signed and dated. Follow the verdict form along, it's
17 self-explanatory. I'm also going to send out with you two
18 copies of my charge that I read to you, so you can refer to
19 that. Do you have all the exhibits together ready to go?

20 DEPUTY CLERK: I do.

21 THE COURT: All right, raise your right hand.

22 (Whereupon, the Deputy Clerk was sworn.)

23 THE COURT: We're going to stand in recess then
24 during jury deliberations.

25 (Whereupon, at 9:08 a.m., the Jury goes to the Jury

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1 Room to begin their deliberations.)

2 (Whereupon, at 1:15 p.m., the Jury returns to

3 Courtroom C with their verdict.)

4 THE COURT: Members of the jury, I'm informed you've
5 reached a verdict, is that correct?

6 THE FOREPERSON: Yes.

7 THE COURT: Would you please retrieve the verdict

8 slip. The verdict is in order, you can publish it.

9 DEPUTY CLERK: I will read the Interrogatories To

10 The Jury in the case of Robert A. Richmond, Sr., v. C.O.

11 Wilkes, et al. Civil Action No. 99-192 Erie.

12 Question one. "Do you find by a preponderance of

13 the evidence that plaintiff has proven that his Eighth

14 Amendment right to be free from excessive force was violated on

15 February 28, 1999, by Corrections Officer Wilkes?" The jury's

16 answer is "No".

17 Question two. "Do you find by a preponderance of

18 the evidence that plaintiff has proven that his Eighth

19 Amendment right to be free from excessive force was violated on

20 February 28, 1999, by Corrections Officer McElravy?" The

21 jury's answer is "No".

22 Question three. "Do you find by a preponderance of

23 the evidence that plaintiff has proven that his Eighth

24 Amendment right to be free from excessive force was violated on

25 February 28, 1999, by Corrections Officer Bedilion?" The

1 jury's answer is "No".

2 Because the jury has answered "no" to questions one,
3 two and three, there is no need to proceed to questions four
4 and five.

5 THE COURT: The record should reflect that the
6 verdict form is signed by all members of the jury and dated
7 today.

8 Members of the jury, I would like to take this
9 opportunity to thank you for your service here. Although
10 there's a lot of people who work in this courthouse, security
11 personnel, Marshals, Clerk's Office personnel, judges, really
12 nobody is more important than you folks because without people
13 like you coming in to serve on juries, to state the obvious, we
14 wouldn't be able to have jury trials. And jury trials, of
15 course, are the lynch pin of our system. I'm certain that they
16 have no further requirements for you, but I always say as a
17 precautionary matter to every jury just to poke your head in
18 the Clerk's Office on the way out. If you would just wait
19 briefly in the jury room, I'm going to get off the bench and
20 come in and chat with you just for a few minutes in a capacity
21 other than sitting up here. That having been said, these
22 proceedings are now adjourned.

23 (Whereupon, at 1:18 p.m., the Jury Trial proceedings

24 were concluded.)

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1 CERTIFICATE

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5 I, Ronald J. Bench, certify that the foregoing is a

6 correct transcript from the record of proceedings in the

7 above-entitled matter.

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13 Ronald J. Bench

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